

CLOSED

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA, ex rel.
RICHARD ADRIAN,

Plaintiff,

v.

OTISMED CORPORATION, et al.,

Defendants.

Hon. Faith S. Hochberg

Civil Action No. 09-5083

**JOINT STIPULATION OF DISMISSAL
OF DEFENDANTS OTISMED
CORPORATION, STRYKER
CORPORATION, AND HOWMEDICA
OSTEONICS CORPORATION**

The United States of America and Relator Richard Adrian, by their undersigned counsel,
pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, hereby stipulate that:

- (i) On December 8, 2014, the United States filed a Notice of Election to Intervene in Part for Settlement Purposes Against Defendants OtisMed Corporation, Stryker Corporation, and Howmedica Osteonics Corporation (referred to here as the "Settling Defendants");
- (ii) The United States, the relator, and the Settling Defendants have reached a settlement agreement (the "Settlement Agreement") that requires the United States and the relator to file a Joint Stipulation of Dismissal with respect to all

claims against the Settling Defendants following the payment of the settlement amount and entry of a criminal plea and sentencing under a criminal information;

(iii) The United States has received full payment due under the Settlement Agreement, and the entry of a criminal plea and sentencing under a criminal information occurred on December 8, 2014;

(iv) The above-captioned action shall be dismissed, subject to the terms and conditions set forth in the Settlement Agreement, as follows upon the filing of this Stipulation of Dismissal with the Clerk of the Court, with each party to bear its own costs except as expressly provided to the contrary in the Settlement Agreement:

1. As to the United States, the action is dismissed with prejudice as to the Covered Conduct that is identified in the above-referenced intervention notice, and without prejudice as to any other claims; and
2. As to the Relator, the action is dismissed in its entirety, with prejudice.

With this stipulation, the United States is also filing a proposed order dismissing the Complaint against the Settling Defendants.

Respectfully submitted,

The United States of America

JOYCE R. BRANDA
Acting Assistant Attorney General

PAUL J. FISHMAN
United States Attorney

DATED: December 18, 2014 BY: Charles Graybow
CHARLES GRAYBOW
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Relator Richard Adrian

DATED: 12/10/2014 BY: Joseph M. Callow, Jr.
JOSEPH M. CALLOW, JR.
Keating, Muething & Klekamp PLL
Counsel for Richard Adrian

1/9/15

SO ORDERED
Faith S. Hochberg
Hon. Faith S. Hochberg, USDS